IN THE HIGH COURT OF UTTARANCHAL, AT NAINITAL.

Special Appeal No. 51 of 2004

State of Uttaranchal through its
Secretary, Education Department
Dehradun and others .... Appellants.

Versus

Sri Mohan Singh and 31 others ... Respondents

Coram: Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal, J.

Dated: 23-03-2006

This special appeal has been filed against the judgment and order dated 31-7-2004, passed by the learned Single Judge of this Court, in W.P. Nos. 1152/2002(S/B), 1735/2001 (S/S), 1487/2003 (S/S), by which the learned Single Judge issued a direction to the Basic Shiksha Adhikari Chamoli/Rudraprayag to consider the selection/appointment of the petitioners/respondents for the post of Assistant Teacher in the Basis Schools and to pass appropriate orders in accordance with the prevailing Government policy.

2- Brief facts of the case are that pursuant to the advertisement dated 26-10-1992 issued by the Basis Shiksha Adhikari, District Chamoli for recruitment of Basic Teachers, the petitioners/respondents submitted their applications for the said posts but their applications were not entertained by the Basic Shiksha Adhikari on the ground that they obtained B.T.C. Certificates from Sripalpur, Bihar Pradesh Shiksha Parishad. The learned Single Judge disposed of the writ

petitions with direction to the Basic Shiksha Adhikari to consider the selection of the petitioners/respondents on the posts of Assistant Teachers in the Basic Schools.

3- Feeling aggrieved, the District Basic Shiksha Adhikari, District Chamoli and the State have come up before us in special appeal.

4- Learned counsel for the parties submitted that since the controversy involved in the present appeal is squarely covered by a judgment rendered by a Division Bench of this Court in Special Appeal No.50 of 2004 which was decided on 28.02.2006, hence the appeal in hand may be disposed of in the same terms.

5- In view of the statement, the appeal is disposed of in the aforesaid terms. The impugned order dated 31.07.2004 passed by the learned Single Judge is set aside and the writ petition is dismissed. No order as to costs.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

23.03.2006.
R. Dang